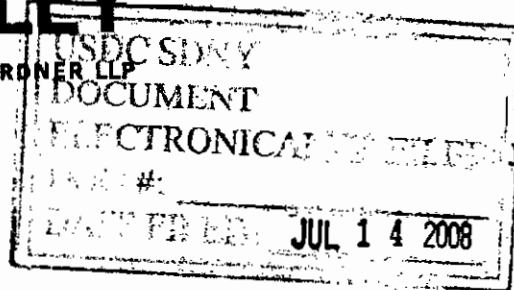


**FOLEY**

FOLEY & LARNER LLP



July 11, 2008

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**VIA FACSIMILE (212) 805-0426 [2 pages]**

Judge Laura T. Swain  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**MEMO ENDORSED**

Re: 08-CIV-4581  
Yahoo! Inc. v. XYZ Companies 1-25 and  
JOHN/JANE DOES 1-25  
a/k/a the "Yahoo! Lottery Spammers"

Dear Judge Swain,

We represent the plaintiff in the above-referenced civil action. We write to request permission to commence limited discovery in advance of a Rule 26(f) conference.

Unknown parties are running a far-reaching email spam campaign, attempting to trick internet users into believing that they have won a fictional "Yahoo! Lottery." No such lottery exists, and the perpetrators are collecting personal information and processing fees from unwitting recipients of these emails who attempt to collect their prize money. The facts of the scam are set forth in great detail in the complaint. We are attempting to discover the identities of the parties behind this email scam so that we may name them as defendants.

We have been able to ascertain certain information regarding the source of these emails. We would like to serve subpoenas on certain Internet service providers and financial institutions, which we believe have billing and identity information for the accounts that generated the hoax emails. We believe this information will not only help us identify the parties involved, but also clarify the names our research has revealed, distinguishing the participants in the scam from those names that came up who are victims. Because of the anonymous and convoluted nature of the scam, we believe this pre-conference discovery is the best method for ascertaining the identity of the defendants, and for preventing people who are already victims of the scam from being further burdened by being named as defendants in a lawsuit. Therefore we request the court's permission to take discovery before having the Rule 26(f) conference, such discovery limited to determining the identity of the perpetrators of this scam.

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WASHINGTON, D.C.



FOLEY & LARDNER LLP

Judge Swain  
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We are happy to provide the court with any additional information it would like to consider in this matter. If the court feels an in person conference is necessary, we are able to meet at the court's convenience.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'R. Weisbein'.

Robert S. Weisbein

RSW:jbp

cc: Yahoo! Inc. (by email)

*The request is granted.*

SO ORDERED.

A handwritten signature in black ink, appearing to read 'L. Swain', followed by the date '7/11/08' written next to it.  
\_\_\_\_\_  
LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE